

May 23, 2011

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Chief Water; Chief Beloit; Supt. Gray; Comm. Maynard; Nancy Hoehn; Brandyn Mohr; Cecil Waters; Ed Adams. Geneva James; Brett – Moye – Countrymark; Gene Fuelling; Norris Suits; Mindy Bourne – Posey County Area Plan Commission; Paul Watzlavik; Larry Williams; Ron and Vonnice Saltee; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Cutis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

#### \*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report, as things have been pretty quiet the past month.

Supt. Gray stated he has been working on sludge removal building plans and they should be ready to rebid in the near future. He added the sludge treatment is currently running on a temporary set up, but it is very efficient and is doing a great job of removing the solids from the water. He explained that mud is a solid and can not be put back into the river. It is captured with the geotextile bags and the water removed. He continued his report by stating he had come across two appraisers for the property that he needs to have appraised, as discussed at their last meeting. He added Attorney Higgins indicated they can proceed but the Board needs to appoint the appraisers. He stated they are Bartlett and Independent Appraisals and Consultants.

Chairman Curtis asked if he checked in town for a local appraiser ?

Supt. Gray replied these were the only two (Evansville) that he could get a hold of.

Chairman Curtis asked that he try again to get a local appraiser.

Board concurred.

Mayor Tucker asked if there were any questions ?

Board member Higgins questioned the cave-in on the water department property.

Supt. Gray replied they have not lost any more, but they really to concrete and stone the area, along with add more rip rap to the slope by the monument.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?  
There was no response.

Mayor Tucker asked if there was any Old Business ?  
There was none.

Mayor Tucker asked if there was any New Business ?  
Board member Curtis stated he will get in touch with Tom Hogan about attending the next meeting to give the Board an update.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.  
Board member Higgins moved the meeting be adjourned. Seconded by Board member Askren.  
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Chief Water; Chief Beloit; Supt. Gray; Comm. Maynard; Nancy Hoehn; Brandyn Mohr; Cecil Waters; Ed Adams. Geneva James; Brett Moye – Countrymark; Gene Fuelling; Norris Suits; Mindy Bourne – Posey County Area Plan Commission; Paul Watzlavik; Larry Williams; Ron and Vonnie Saltee; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; and arriving during meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Councilman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.  
Mayor Tucker asked if there was any discussion ?  
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report.

Mayor Tucker questioned the gnat situation.

Comm. Maynard replied they are still around but may be slowing down some.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Hoehn stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker stated Supt. Givens is attending to the lift stations right now, and asked if there were any questions ?

There were none.

Mayor Tucker stated they have some more Financials before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied she received a tax check from the county today, a little over \$1M, so the loans they had done earlier in the month will now be paid back.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda. He stated the first item is the proposed Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title V – Public Works, Chapter 50 – Sewers, Section 50.135(A)-Administrative Fines. He then stated as Supt. Givens, Supt. Moss and Attorney Higgins are not present, they should table until the next meeting.  
Council concurred.

Mayor Tucker stated they next item is an Ordinance to Rezone 101 Mann, 105 Mann, 111 Mann, and 101 W Ohio Street from RT (residential townhouse) to M-1 (manufacturing light). He added Mindy Bourne of the Area Plan is present tonight as well.

Mrs. Bourne stated the APC heard the request on behalf of Countrymark, on May 12, 2011. She added Countrymark owns the property as well as all adjacent property. She stated they will be using the house for office space for five employees. She added there were no remonstrators and all adjacent property is also currently zoned M-1. She concluded by stating Brett Moye from Countrymark is also present should there be any questions for him.

Councilwoman Askren stated it sounds pretty cut and dried.

Mrs. Bourne agreed and added their Board really had no discussion as they already own all of the adjacent property.

Councilman Curtis asked Mr. Moyer if he had received any questions from the neighbors ?

Mr. Moyer replied no, they only asked when Countrymark would be buying their homes. He added they plan to convert the house to an office for five employees who will not even be there all the time. He concluded by stating they are only changing the use of their assets.

Supt. Givens arrived at the meeting.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the ordinance passed first reading unanimously.

Mayor Tucker stated the next item is the possible third reading of the Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title V – Public Works, Chapter 52 – Garbage and Trash Control – the “trash” ordinance.

Councilman Fuelling stated he would like to make a statement about this before they proceed with any motions. He stated Councilman Curtis and himself, and Councilwoman Askren and himself have talked about this ordinance, and thought it is a good ordinance that has attracted a good deal of interest, they all feel they need to proceed much slower on this and possibly proceed through other avenues.

Mayor Tucker asked if there was any action on the third reading.

Councilman Hoehn stated he has a question – is Councilman Fuelling saying he spoke with Councilman Curtis and Councilwoman Askren ?

Councilman Fuelling replied that he and Councilwoman Askren had a conversation and he and Councilman Curtis had a conversation.

Councilwoman Askren replied they did not meet together.

Councilman Fuelling stated that is what he stated it in that way.

Councilman Hoehn stated he does not know where to go with this. He added his belief is that constitutes a round robin meeting.

Councilwoman Askren again replied the three of them did not meet together in the same room.

Councilman Hoehn stated that is not the way it works, Councilwoman Askren.

Councilman Curtis added that he did not speak to Councilwoman Askren on this.

Councilman Hoehn stated that does not matter, three people were involved in a conversation outside of these chambers on an issue, and unless he is mistaken, that is a violation of the law.

Mayor Tucker stated they will have to leave that up to the City Attorney. He added Councilman Hoehn may want to contact Attorney Higgins and follow up with her.

Councilman Hoehn replied he can do that, that’s for sure. He then stated he wants what has just been said here to be on the record, word for word in the minutes – no paraphrasing: He stated they need to have the third reading and watch it, then have it voted down, and revisit it . He added this is a hot topic, no one wanted this to go forward. He suggested they tweak the current ordinance and give it some teeth without rewriting the entire thing. He added the manner in which this was presented it was pushed and not communicated well to the people. He added he knows a lot of irate citizens. He again stated they need to vote this down and agree to come back and talk about this.

Councilman Fuelling stated he and Councilman Curtis have talked about this and this has generated a lot of good interest and concern, but they feel they need to proceed much slower and explore other avenues, which is what the people have told him to do.

Councilman Hoehn replied they need to vote this down then so they do not have two votes behind them. The newspapers were not present when this first came up, they are here now and this thing is ramping up, not down. He then suggested they bring it back up again in a month if they want. He added there is nothing to stop them from even coming back with the exact same ordinance.

Councilman Curtis stated, point of order, if there is no motion or a second, the ordinance dies for lack of a motion. He asked does that kill the bill?

Councilman Hoehn stated according to Roberts Rules of Order if there is no motion brought to the table, and a second, it is not considered at all. He added it's either voted up or down – at this point it (ordinance) will be sitting there in queue waiting on the next motion.

Mayor Tucker stated it will die for lack of a second.

Councilman Hoehn replied Roberts Rules of Order say that is incorrect. Nothing dies without being made a motion. It either needs voted up or, in this case down, and it dies. It doesn't hurt or harm anyone. He added they can regroup and move on.

Councilman Fuelling stated he is not interested in that, he is interested in what he said earlier..

Councilman Hoehn asked why ?

Councilman Fuelling replied he is not interested in bringing this back up for a long time. It may take six months, it may take a year. It may take many more meetings, and even town meetings.

Councilman Curtis agreed and added that being said, he wants this to be done and then stated he has gotten phone calls on this.

Councilwoman Higgins stated she has as well.

Councilman Curtis stated he received about 25 calls and a majority of the phone calls he received were opposed to the ordinance, though he never had any irate phone calls. He stated all the calls he had were extremely polite, there was an exchange of information with some legitimate points being made by folks. He then stated he wants to go no further with this ordinance.

Councilman Hoehn stated meaning.....? Meaning Councilman Curtis wants to vote it down.

Councilman Curtis replied he is wanting it to die.

Councilman Hoehn stated then they should vote it down. He stated he does not understand what the difficulty is voting it down.

Councilman Fuelling stated he does not understand what is the difficulty in Councilman Hoehn letting it die without a vote. He then stated he wants the Council to just let it die, the way he said.

Councilman Hoehn stated it won't die, that is not how this works. But he added Councilman Fuelling knows that voting it down will work, doesn't he ?

Councilman Fuelling stated he wants to just let it die, the way he said.

Councilman Curtis replied let's get it done and over with.

Mayor Tucker stated they either need a motion and a second to open it up for discussion and a vote, or, he believes if there is not a motion or a second, it dies; though he is not an attorney.

Councilman Fuelling agreed that was also his understanding.

Mayor Tucker asked the Council's pleasure.

Councilman Fuelling stated he headed up the committee that was responsible for this ordinance and he heard good things about it. He stated he did not hear complaints about the \$2.00, rather the size of the containers. He would vote yes if it came to a vote. He added he feels it is a good ordinance and therefore, he is torn because he also needs to listen to the people that don't want it.

Councilman Hoehn moved they have the third reading of the ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title V-Public Works, Chapter 52 – Garbage and Trash Control.

There was no second.

Mayor Tucker stated let the record show the ordinance died for lack of a second.

Councilman Hoehn stated point of order on that, he wants the record to show that he does not believe this is the effect of the motion without a second.

Councilman Curtis stated if it does not kill it, Councilman Hoehn can make the motion next time and he will second it.

Councilman Hoehn replied that's fine, and added he can go there. Thank you. He then stated, for the record, Councilman Fuelling can come back and revisit this ordinance and he would be happy to do that. Councilman Fuelling replied he is not interested. He added Councilman Hoehn would not talk with him or Attorney Higgins to let them know his issues with the ordinance. People don't want the ordinance, and he is fine with that.

Councilman Curtis stated they need to discuss it and come up with other options.

Councilman Fuelling stated he won't be ready to do that for a long time.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Mrs. Bourne stated the APC is in the process of updating the zoning ordinances and they will be forming a committee to help. She asked if anyone would be interest in sitting on that committee ?

Councilwoman Higgins asked if they will be addressing the subdivisions as well ?

Mrs. Bourne replied subdivisions are included in the zoning ordinance, though they will be taking this one step at a time, going through each ordinance to create something better.

Councilwoman Higgins stated she would like to be on the committee.

Mrs. Bourne replied that would be great and added they will be looking for volunteers from each jurisdiction.

Mayor Tucker asked if anyone else wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Councilman Fuelling stated he spoke with Patricia Colbert, Manager of the Posey County Solid Waste Management District and she wants to encourage recycling. He added she indicated \$100,000 in recyclables were sold in the last three months of 2010. He concluded by stating Ms. Colbert loves to give tours and things seem to be going very well.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilman Hoehn stated he has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker reported a carnival will be in town June 8 – 11 at the old Dausmann lot. He continued by stating College Ave. will be blocked from 4<sup>th</sup> to 3<sup>rd</sup> Streets. Brady's Amusements, with operations out of Princeton, will be the vendor. He then stated their credentials have been checked and they are good people. He then stated he just received word from IDEM that Phase 2 of the Riverfront Project has been approved and dirt will soon be turned. Good news.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer